

# **EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

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4	ePLUS, INC.,	:	
5		:	
6	Plaintiff,	:	
7	v.	:	Civil Action
8		:	No. 3:09CV620
9	LAWSON SOFTWARE, INC.,	:	
10		:	March 26, 2010
11	Defendant.	:	
12	---	:	

COMPLETE TRANSCRIPT OF **CONFERENCE CALL**  
BEFORE THE HONORABLE ROBERT E. PAYNE  
UNITED STATES DISTRICT JUDGE

APPEARANCES: (All via telephone)

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DIANE J. DAFFRON, RPR  
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UNITED STATES DISTRICT COURT

1 rulings ahead of time. You kind of have to wait and  
2 see what happens in the course of the case. And if  
3 somebody doesn't give you the information in discovery  
4 that you ask for that's pertinent to their defense and  
5 they want to raise it, you say, I want to move the  
6 strike the defense because they said we weren't  
7 entitled to this and they didn't give it to us. Then  
8 wham, the door is shut on it. That's part of  
9 practicing law is knowing how to do that stuff.

10 Is implementation by the customer any longer  
11 asserted, Mr. McDonald, as necessary before  
12 infringement can occur?

13 MR. McDONALD: I'm not sure what the word  
14 "implementation" means here, Your Honor. What I think  
15 he may be talking about is when specific situations  
16 have come up, for example, where third party customers  
17 that ePlus deposed either said they didn't implement  
18 certain modules or features that were in the product.  
19 That might be one category he might be talking about.

20 Another one has to do with when they load up  
21 the data, where do they get it from? Does Lawson load  
22 the data up for them or not? If that's what he means  
23 by implementation, those are certainly still relevant  
24 issues, Your Honor, but the word "implementation" just  
25 isn't very clear to me in terms of what exactly that

1 Mr. Robertson is asking us to do.

2 THE COURT: When were these interrogatories  
3 filed, Mr. Robertson?

4 MR. ROBERTSON: I believe -- I think it  
5 was -- I'm not sure, Your Honor. I think it was  
6 October of 2009. It's been several months.

7 THE COURT: Well, it's too late to be asking  
8 that. If you didn't understand that word, you should  
9 have asked about that back a long time ago. Answer  
10 the interrogatory.

11 I, frankly, don't understand how it is a  
12 defense to infringement to say you sold Payne  
13 something, but Payne didn't use all of it. If you  
14 sold it to me, that's an infringement, it seems to me.  
15 So I don't really understand the issue, but you-all  
16 know enough and you can use the dictionaries to get  
17 your definitions. Answer it.

18 All right. That takes care of everything  
19 that you all have got pending right now, doesn't it?

20 MR. ROBERTSON: Well, Your Honor, we had one  
21 issue with respect to non-infringement contentions,  
22 but I think we can work that out with Lawson.

23 THE COURT: Good. That will be good.

24 All right. Now, I don't know if there's  
25 enough time in my lifetime and yours to try a case

1 sir.

2 THE COURT: That briefing is going to be  
3 finished or has it been finished now?

4 MR. ROBERTSON: It will be finished on  
5 Monday, Your Honor.

6 THE COURT: Monday. All right. Thank you.

7 MR. ROBERTSON: Thank you, Your Honor.

8 THE COURT: You-all take care. Bye.

9  
10 (The proceedings were adjourned at 11:16  
11 a.m.)

12 I, Diane J. Daffron, certify that the  
13 foregoing is a true and accurate transcription of my  
14 stenographic notes.

15 /s/ 3/30/10  
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17 DIANE J. DAFFRON, RPR, CCR DATE

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